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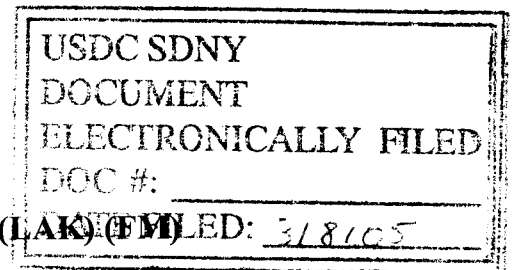
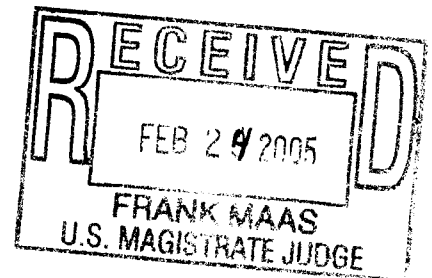
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I have reviewed this letter and the letter from Mr. Kellman to which it responds and see no reason not to adhere to my previous decision.
February 24, 2005
Fulco, USMT, 3/2/05

By Hand and Via E-Mail

Hon. Frank Maas
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 740
New York, New York 10007-1312

**Re: American Steamship Owners Mutual
Protection and Indemnity Association, Inc.
v. Alcoa Steamship Co. et al. – 04 CV 4309 (LAK) (FMD)**



Dear Judge Maas:

We refer to the letter from the Maritime Asbestosis Legal Clinic ("MALC") dated February 23, 2005 signed by Mr. Alan Kellman, seeking to exploit the courtesy Your Honor extended to him after Your Honor orally denied his intervention motion in January.

In our papers opposing MALC's motion to intervene, we pointed out that MALC's clients have no right of direct action against the American Club and otherwise how remote and contingent the interests of MALC's clients in this matter were. In the interim, those interests have become far more remote and contingent, as the Bankruptcy Judge in the Prudential Lines case, Judge Arthur J. Gonzalez, on January 19, 2005, issued his Memorandum Decision and Order denying the PLI Disbursement Trustee's and MALC's Joint Motion to require pro ration of the American Club's set off right against the PLI Disbursement Trust. We enclose a copy of that decision for Your Honor's review. MALC has filed a Notice of Appeal to the District Court but, in our view, given the thoroughness of Judge Gonzalez' decision and the facts supporting it, MALC has no realistic chance of success on its appeal. Assuming MALC's appeal will be denied, that should finally terminate any possible interest in this action that MALC could have.

In the circumstances, we must question why MALC continues to claim any interest in this matter. In any event, given the number and quality of the attorneys representing the named defendants in this case (all of which parties, in actuality, are the real plaintiffs), it is difficult to see how MALC could possibly add anything of value to these proceedings. More likely, MALC is seeking to muddy the waters here to benefit itself in future or other cases in which it is suing shipowners. Accordingly, we ask that Your Honor deny MALC's latest request.

As to the status of this case, the parties are heavily engaged in discovery and reports will be submitted to Your Honor thereon in the near future.

Thank you for your consideration.

Respectfully submitted,
NOURSE & BOWLES, LLP

By:


Lawrence J. Bowles

LJB/jtc

Encl.

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All Counsel